Docket No.: 3805-023-27 CONT

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION: Mark Edward KANE, et al. GROUP ART UNIT:

SERIAL NUMBER: New Application EXAMINER:

FILED: Herewith

FOR: METHOD AND SYSTEM FOR AUTOMATICALLY ACTIVATING A WARNING DEVICE ON A TRAIN

### INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. 1.97

**Assistant Commissioner for Patents** 

Washington, D.C. 20231

Sir:

Applicants wish to disclose the following information.

### REFERENCES

Applicants wish to make of record the documents listed on the attached Form PTO-1449. Copies of the listed documents were submitted in parent application 10/184,929, filed July 1, 2002, now allowed.

# RELATED CASES

Attached is a list of Applicants' pending applications and issued patents which may be related to the present application. Copies of the documents were submitted in parent application 10/184,929, filed July 1, 2002, or are attached.

## **CERTIFICATION**

The undersigned certifies that

- each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign or international patent office in a counterpart foreign or international application for the first time (to the knowledge of the undersigned, having made reasonable inquiry) not more than three months prior to the filing of this statement.
- no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign or international patent office in a counterpart foreign or international application or, to the knowledge of the undersigned, having made reasonable inquiry, was known to any individual designated in 37 C.F.R. 1.56(c) more than three months prior to the filing of this statement.

### BASIS FOR CONSIDERATION

This Information Disclosure Statement is filed:

- with the filing of the application
- without fee and within three months of the filing date of the application.
- without fee and within three months of the date of entry of the U.S. national stage.
- without fee and before the mailing date of a first Office Action on the merits (to the knowledge of the undersigned).
- without fee and with the appropriate certification above.
- without fee and with a new CPA application.
- without fee and with a Request for Continued Examination.
- with fee and before the mailing date of any of a Final Office Action, Notice of Allowance or an action that otherwise closes prosecution (to the knowledge of the undersigned).
- with fee, appropriate certification above, and before payment of the Issue Fee.

# DEPOSIT ACCOUNT

Please charge any additional fees for the papers being filed herewith and for which no check is enclosed herewith, or credit any overpayment to Deposit Account No. 50-1442.

Respectfully submitted,

Steven B. Kelber

Attorney of Record

Registration No. 30,073

James M. Heintz

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Form PTO 1449 U.S. DEPARTMENT OF		DOCKET NO.		SERIAL NO.			
COMMERCE (Modified) PATENT AND TRADEMARK		3805-023-27 CONT		New Application			
OFFICE			APPLICANT				
				Mark Edward KANE, et al.			
LIST OF REFE	ERENC	ES CITED BY AI	PPLICANT	FILING DATE		GROUP A	ART UNIT
		Sheets if Necessar		Herewith			
			U	.S. PATENT DOCUMENTS			
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE
	Α	5,129,605	07/14/92	Burns, et al.			
	В	6,459,965	10/01/02	Polivka, et al.			
	С	6,081,769	06/27/00	Curtis			
	D	6,218,961	04/17/01	Gross, et al.			
	Е	5,751,569	05/12/98	Metel, et al.			
	F	6,135,396	10/24/00	Whitfield, et al.			
	G	6,397,147	05/28/02	Whithead			
	Н	6,374,184	04/16/02	Zahm, et al.			
	I	6,421,587	07/16/02	Diana, et al.			
	J	6,135,396	10/24/00	Whitfield, et al.			
	K	6,459,964	10/01/02	Vu, et al.			·
	L	6,377,877	04/23/02	Doner			
	М	6,322,025	11/27/01	Colbert, et al.			
	N	6,311,109	10/30/01	Hawthorne, et al.			
	0	5,828,979	10/27/98	Polivka, et al.			
	P	4,711,418	12/08/87	Aver, Jr., et al.			
	Q	5,867,122	02/02/99	Zahm, et al.			
	R	4,459,668	07/10/84	Inoue, et al.			
	S	6,102,340	08/15/00	Peek, et al.			
	Т	5,533,695	07/09/96	Heggestad, et al.			
	U	5,452,870	09/26/95	Heggestad			
	V	5,340,062	08/23/94	Heggestad			
	w	5,950,966	09/14/99	Hungate, et al.			
	х	5,398,894	03/21/95	Pascoe			
EXAMINER				DATE CO	NSIDERED		
*EXAMINER:	*EXAMINER: Initial if reference is considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.						

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			APPLICANT				
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EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE
	Y	6,049,745	04/11/00	Douglas et al.			
	Z	4,181,943	01/01/80	Mercer, Sr. et al.			
	AA	4,561,057	12/24/85	Haley, Jr. et al.			
	AB	5,072,900	12/17/91	Malon			3333
	AC	5,177,685	01/05/93	Davis et al.			
	AD	5,332,180	07/26/94	Peterson et al.			
	ΑE	5,364,047	11/15/94	Petit et al.			
	AF	5,394,333	02/28/95	Kao			_
	AG	5,620,155	04/15/97	Michalek			
	AH	5,699,986	12/23/97	Welk			3333
	ΑI	5,740,547	04/14/98	Kull et al.			
	AJ	5,978,718	11/02/99	Kull			·
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	AV	5,541,981	7/30/96	Lynn			
	AW	6,519,512	2/11/03	Haas, et al.			
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			APPLICANT		
			Mark Edward KANE, et al.		
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		Sheets if Necessary)	Herewith		
OTHER REFERENCES			(Including Author, Title, Date, Pert	nent Pages, Etc.	.)
	AX	the House Committee on Tran	itoris, Federal Railroad Administrator, U.S. Department of Transportation before sportation and Infrastructure Subcommittee on Railroads", Federal Railroad Department of Transportation, April 1, 1998.		
	AY	"System Architecture, ATCS	Specification 100", May 1995.		
	BA	"A New World for Communic	cations & Signaling", Progressive R	ailroading, May	1986.
	ВВ	"Advanced Train Control Gai	n Momentum", Progressive Railroa	ding, March 198	36.
	ВС	"Railroads Take High Tech in	Stride", Progressive Railroading, N	1ay 1985.	
	BD	Lyle, Denise, "Positive Train Proceedings, 2000.	Control on CSXT", Railway Fuel a	nd Operating Off	fficers Association, Annual
	BE	Lindsey, Ron A., "C B T M, Communications Based Train Management", Railway Fuel and Operatin Officers Association, Annual Proceedings, 1999.			ay Fuel and Operating
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	BG	Ruegg, G.A., "Advanced Train Control Systems ATCS", Railway Fuel and Operating Office Annual Proceedings, 1986.			ating Officers Association,
	вн	Malone, Frank, "The Gaps Sta	art to Close"Progressive Railroading, May 1987.		
	BI	"On the Threshold of ATCS",	Progressive Railroading, December	1987.	
	BJ	"CP Advances in Train Contro	ol", Progressive Railroading, Septen	nber 1987.	
	BK	"Communications/Signaling:	Vital for dramatic railroad advances", Progressive Railroading, May 1988.  Progressive Railroading, July 1988.  Progressive Railroading, May 1989.		
	BL	"ATCS's System Engineer", P			
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	ВМ	"C3 Comes to the Railroads", l	Progressive Railroading, September 1989.		
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	BU "Electronic Advances Improve How Railroads Manage", Progressive Railroading, December 1995.			, December 1995.	
EXAMINER		· · · · · · · · · · · · · · · · · · ·		DATE CONSI	DERED
	*EXAMINER: Initial if reference is considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.				

Form PTO 1449		S. DEPARTMENT OF	DOCKET NO.	SERIAL NO.		
COMMERCE (Modified) PATENT AND TRADEMARK OFFICE		TENT AND TRADEMARK	3805-023-27 CONT	New Application		
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			Mark Edward KANE, et al.			
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		U	S. PATENT DOCUMENTS			
		OTHER REFERENCES	(Including Author, Title, Date, Pertin	ent Pages, Etc.)		
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	BW	Foran, P., "Train Control Qua Clues", Progressive Railroadii	ndary, Is CBTC viable? Railroads, S	uppliers Hope Pilot Projects Provide		
	BX	"PTS Would've Prevented Sil	ver Spring Crash: NTSB", Progressi	e Railroading, July 1997.		
	BY	Foran, P., "A 'Positive' Answ	er to the Interoperability Call", Progr	essive Railroading, September 1997.		
	BZ	Foran, P., "How Safe is Safe I	Enough?", Progressive Railroading, C	ctober 1997.		
	CA	Foran, P., "A Controlling Inte	rest In Interoperability", Progressive Railroading, April 1998.			
	СВ	Derocher, Robert J., "Transit	Projects Setting Pace for Train Contro	l", Progressive Railroading, June 1998.		
	CC	Kube, K., "Variations on a Th	eme", Progressive Railroading, December 2001.			
	CD	Kube, K., "Innovation in Inch	es", Progressive Railroading, February 2002.			
	CE	Vantuono, W., "New York Le	ads a Revolution", Railway Age, Sep	ember 1996.		
	CF	Vantuono, W., "Do you know	where your train is?", Railway Age,	your train is?", Railway Age, February 1996.		
CG Gallamore, R., "The Curtain R			tises on the Next Generation", Railwa	y Age, July 1998.		
	СН	Burke, J., "How R&D is Shap	ing the 21st Century Railroad", Railv	ay Age, August 1998.		
	CI	Vantuono, W., "CBTC: A Ma Train Control, Railway Age, J		al Conference On Communications Base	:d	
	CJ	Sullivan, T., "PTC - Is FRA P	ushing Too Hard?", Railway Age, August 1999.			
	CK	Sullivan, T., "PTC: A Maturi	ng Technology", Railway Age, April 2000.			
	CL	Moore, W., "How CBTC Can	Increase Capacity", Railway Age, April, 2001.			
	СМ	Vantuono, W., "CBTC: The J	Jury is Still Out", Railway Age, June 2001.			
	CN	Vantuono, W., "New-tech Tra	in Control Takes Off', Railway Age, May 2002.			
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	CP GE Harris Product Sheet: "Advanced Systems for Optimizing Rail Performance" and "Advanced Products Optimizing train Performance", undated.			Performance" and "Advanced Products f	or	
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	CR	Furman, E., et al., "Keeping T	rack of RF", GPS World, February 20	01.		
	cs	Walker, Publication No. US 20	001/0056544 A1, December 27, 2001			
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(Modified)	PA	MMERCE TENT AND TRADEMARK	3805-023-27 CONT		New Application
	OFFICE		APPLICANT		
			Mark Edward KANE, et al.		
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(Use Several Sheets if Necessary)			Herewith		
OTHER REFERENCES (			(Including Author, Title, Date, Perting	nent Pages, E	tc.) -
	CU	Department of Transportation 42396, August 10, 2001.	Federal Railroad Administration, Federal Register, Vol. 66, No. 155, pp. 42352-		
	CV				
	CW				
	CX				
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DOCKET NO.: 3805-023-27 CONT

## LIST OF RELATED CASES

	Docket Number	Serial or Patent Number	Filing or Issue Date	Status or Patentee
	3805-001-27	10/267,959	October 10, 2002	Pending
	3805-002-27	10/157,874	May 31, 2002	Pending
	3805-003-27	10/186,426	July 2, 2002	Pending
	3805-004-27	10/184,929	July 1, 2002	Allowed
/	3805-006-27	10/440,129	May 19, 2003	Pending
	3805-007-27	10/267,962	October 10, 2002	Pending
	3805-008-27	10/331,768	December 31, 2002	Pending
	3805-009-27	10/300,852	November 21, 2002	Pending
i⁄	3805-010-27	10/392,850	March 21, 2003	Pending
<b>✓</b>	3805-016-27	Pending	July 1, 2003	Pending
✓	3805-21-27	Pending	July 2, 2003	Pending

The cases listed on this Notice of Related Cases include cases which may contain information that is material to patentability. The listing of a case on this Notice should not be taken as an indication or admission that any information contained therein is material. Prior art for each case listed on this Notice may have been cited. The files corresponding to the listed cases, which are available to the Examiner, may not have not been examined to ascertain the materiality of any prior art therein. Accordingly, the Examiner is requested to review the file for each case listed on this Notice in order to assess the materiality of such prior art.